

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EUGENE WASHINGTON JR.,

Plaintiffs,

v.

Case No. 18-10799

CITY OF DETROIT, RICHARD DANESCU,
and WALLACE RICHARDS,
in their individual and official capacities,

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION FOR ALTERNATE
SERVICE AND EXTENDING THE SUMMONS**

Before the court is Plaintiff's motion for alternate service and extension of summons. (Dkt. # 12.) Despite Plaintiff's multiple, diligent attempts to serve Defendant Wallace Richards, his efforts at service have been unsuccessful. The court will grant Plaintiff's motion.

In federal court, service on an individual may be effectuated, among other methods, by "delivering a copy of the summons and of the complaint to the individual personally," or "leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there." Fed. R. Civ. P. 4(e)(2)(A)–(B). It may also be effectuated by using state law methods of service in the state where the district court is located. Fed. R. Civ. P. 4(e)(1). Michigan permits service on an individual by delivering a copy of the summons and complaint to the defendant personally, or sending a summons and a copy of the complaint to the defendant via registered or certified mail. Mich. Ct. R. 2.105(A). Service is effective under this latter

approach “when the defendant acknowledges receipt of the mail.” *Id.* On a showing that service “cannot reasonably be made as provided,” Michigan law also permits alternate service “in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.” Mich. Ct. R. 2.105(l)(1).

Plaintiff has made multiple attempts to serve Defendant Richards over the course of the last month and has made coordinated efforts with Defense Counsel—all to no avail. (Dkt. # 12, Pg. ID 71-74.) Plaintiff now asks this court to extend the summons and allow for alternate service. The court concludes that the following alternate combined methods of service are “reasonably calculated to give [Defendant Richards] actual notice of the proceedings and an opportunity to be heard,” Mich. Ct. R. 2.105(l)(1) and thus, will permit Plaintiff to effectuate service in this way:

- (1) through an attorney, Raymond Garant; *and*
- (2) upon the City of Detroit Law Department; *and*
- (3) through the front desk Sergeant at 1300 Beaubien (Police Headquarters)

The court will also grant an extension of the service period, although *not* for the 90-day period requested by Plaintiff. Accordingly,

IT IS ORDERED that Plaintiff’s motion for alternate service (Dkt. #12) is GRANTED as specified in this order.

IT IS FURTHER ORDERED that the summons expiration is hereby EXTENDED until **June 29, 2018**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 30, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 30, 2018, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522